



Pursuant to the foregoing notice, a regular Representative Town Meeting of the Town of Greenwich was held in the Moderator's Hall of Central Middle School on Monday December 14, 2009 at 8:00 P.M.(E.S.T.).

The meeting was called to order by the Moderator Thomas J. Byrne.

The members pledged allegiance to the flag.

Town Clerk Carmella C. Budkins swore in John Eric Norrgard, a new member in District 6.

Attendance cards were presented showing 183 present, 45 absent and 3 vacancies.

The members who were absent in District 1- John A. Duge, Jr, Timothy P.

Gemelli, Richard P. Holleran, Patrick F. Maher, Julie L. Ray; District 2 – Duncan Burke, Donald R. Conway, Nancy H. Marshall, Mark Schroeder; District 3 – Claudia Velez; District 4 –Frances Avery, Paul Barbian, James M. Bonney, Russell Bowman, Vickie Dudas, Brian Harrod; District 7- Ellen Brennan-Galvin, Susan L. Carmichael; District 8 – John E. Beckwith, Vincent J. DeVito, Jay T. Hahn, Drew Marzullo, Peter E Pellerzi, Alicia Shreders, John Shulman; District 9 – Michael Dunne; District 10 – Jean M. Aloe, Robert V. Lardon, Sabine Schoenberg, Alan A. Small; District 11- Michael R Chait, James M. Hesburgh, Fern M. Lindsay, Neal E. Neilinger, Dana G. Newman, Vinay S. Pande, Charles B. Seelig; District 12- Karl W. Bulciw, Harris William Davidson, Richard S. DiPreta, Janet DeLuca, Dolores A. McCollem, Robert A. Perri, Mary Romeo, Jane S. Sulich. Districts 5 and 6 had perfect attendance.

The Moderator announced that, as all members had received a copy of the call for the meeting, the reading of the call would be omitted.

The Moderator announced that, as all members had received a copy of the minutes of the October 26, 2009 meeting, the reading of the minutes would be omitted. He asked if there were any corrections or comments, there being none, the minutes were approved by unanimous consent.

The Moderator announced that Item No. 1 on the call was now before the meeting.

Michael Chambers, Director of Inland Wetlands and Watercourses Agency, offered the following resolution, which was duly moved and seconded regarding Item No. 1.

RESOLVED that the following ordinance establishing a municipal fine for Inland Wetlands violations, which was adopted by the Representative Town Meeting on December 10, 2007, and which will automatically be repealed on December 31, 2009 unless reenacted, be readopted by the Representative Town Meeting.

§ ____ Purpose

This article establishes a means by which the Town of Greenwich may more effectively enforce the Inland Wetlands and Watercourses Regulations of the Town of Greenwich, with the implementation of fines for violations of the regulations. This article shall not be construed to limit or alter the authority, duty and responsibility of the Greenwich Inland Wetlands and Watercourses Agency as granted and established under Connecticut's Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the Connecticut General Statutes, Chapter 2, Article 6, Sections 2-19 through 2-23 of the

Greenwich Municipal Code and any other federal, state, or local legislation that may apply.

§ _____ Authority

This article is adopted pursuant to Connecticut General Statutes, Section 22a-42g. In accordance with this statute, the Inland Wetlands and Watercourses Agency, acting on behalf of the Town of Greenwich, is hereby authorized to promulgate regulations in accordance with the provisions of this article setting forth procedures for the issuance of citations and for the setting of fines for violations of the Agency's regulations.

§ _____ Definitions

The following words, terms and phrases used in this article shall have the following meanings:

“Agency” – The Town of Greenwich Inland Wetlands and Watercourses Agency, acting as the inland wetlands agency under Section 22a-42 of the Connecticut General Statutes.

“Director” – The employee of the Town of Greenwich responsible for the supervision of the Agency staff.

“Director's Designated Agent” – With respect to any duty to be performed by the Director, an employee of the Agency to whom the Director has expressly delegated the performance of such duty.

“Continuing Violation” – Ongoing work, which has not ceased to the satisfaction of the Director within two calendar days of receipt of a Notice of Violation.

“Person” – Any person, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

“Notice of Violation” – A written notice issued by the Director to a person committing a Violation, stating the nature of the Violation, the jurisdiction of the Agency, and prescribing the necessary immediate and long-term actions and steps to correct the Violation including, without limitation, halting work in wetlands or watercourses.

“Regulations” – The Inland Wetlands and Watercourses Regulations of the Town of Greenwich as may be amended from time to time.

“Violation” – Any activity that requires the prior permit or approval of the Agency but that is conducted without prior permit or approval of the Agency.

§ _____ Issuance of Citations

A. The First Selectman of the Town of Greenwich hereby authorizes the Director, with the prior consent of the Chair of the Agency, to issue a citation to any person who

has received a Notice of Violation and has failed to comply with the necessary immediate actions and steps to correct the Violation that are specified in the Notice of Violation within one (1) calendar day after receipt of the Notice of Violation or who commits a Continuing Violation. Any such citation may be issued either by hand delivery or by certified mail to the person named in such citation. In such instances, each citation will apply jointly and severally to the owner of the property in question and his/her agents, contractors and subcontractors. An original or certified copy of the initial citation issued by the issuing official shall be filed and retained by the Town of Greenwich and shall be deemed to be a business record within the scope of Section 52-180 of the Connecticut General Statutes and evidence of the facts contained therein.

B. The citation shall inform such person:

- (1) Of the allegations against him or her for which the citation is issued pursuant to this Article and the amount of the fines and costs due;
- (2) That the person has a period of thirty (30) days from the date of the citation (i.e., the date of hand delivery or the date the citation was mailed) to make an uncontested payment of the fines;
- (3) That payments shall be submitted to the Agency by check made payable to the Town of Greenwich;
- (4) The citation notice shall also inform the person cited that he/she may contest his liability before a citation hearing officer by delivering in person or by mail written notice within twenty (20) days of the date thereof. The notice shall also inform the person cited that if he/she does not demand such a hearing, he/she shall be deemed to have waived contesting liability, such fines and costs shall be assessed against him/her, an assessment and judgment shall be entered against him/her and that such judgment may issue without further notice.

C. Each Violation shall be a separate and distinct offense. In the case of a Continuing Violation, at the discretion of the Director and with the prior consent of the Chair of the Agency, daily citations may be issued commencing two calendar days from receipt by the person of the Notice of Violation.

D. This article shall only apply to Violations that occur after this article's effective date.

§ _____ Establishment of Fine

A. No fine shall exceed the maximum permitted under state law. Fines for Violations will be determined by the Agency at a public meeting and published in the

Regulations. Fines imposed will not exceed the maximum permitted by Connecticut General Statute, Section 22a-42g at the time the Violation occurred.

B. No such fine may be levied against the State of Connecticut or any employee of the state acting within the scope of her/his employment.

C. Any fine collected by the Town of Greenwich pursuant to this article shall be deposited into the Town of Greenwich's general fund account.

§ _____ Hearing procedure for citations

A. In accordance with Section 7-152c of the Connecticut General Statutes, as the same may be amended from time to time, there is hereby established a wetland citation hearing procedure.

B. The First Selectman shall appoint one or more citation hearing officers, other than police officers or employees or persons who issue citations, members or alternates of the Agency, employees, past employees, members or alternates of the agency, to conduct the hearings authorized by this article.

C. Admission of liability by payment of fine.

(1) If any person who is sent notice pursuant to Subsections A and B of Section _____ wishes not to contest liability for any alleged violation, he/she may, without requesting a hearing, pay the full amount of the fines and costs admitted to in person or by mail to the Greenwich Inland Wetlands and Watercourses Agency. Checks shall be made payable to the Town of Greenwich.

(2) Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.

D. Any person may demand a hearing by delivering a written request for the same to the Director within twenty (20) days of the date of the first notice provided for in Subsections A and B of Section _____. Any person who does not deliver such written request within twenty (20) days shall be deemed to have waived contesting liability, and the Director shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines and costs provided for by this article and shall follow the procedures set forth in Section _____.

E. Any person who requests a hearing shall be given written notice by certified mail of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice, provided that the hearing officer shall grant upon good cause shown a postponement or continuance for any reasonable request by any interested party. Once a hearing has been requested, no additional citations shall be issued.

F. The presence of the issuing official shall be required at the hearing if the person issued the citation so requests. A person wishing to contest his/her liability shall appear at the hearing in person or by representative and may present evidence in his/her behalf.

G. If the person that demanded a hearing fails to appear, the hearing officer may enter an assessment by default against him/her upon finding of proper notice and liability under this article.

H. A designated municipal official, other than the hearing officer, may present evidence on behalf of the municipality.

I. The hearing officer may accept from the designated municipal official copies of police reports, investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is not necessary.

J. The hearing officer shall conduct the hearing in the order and form, and with such methods of proof, as he/she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing office shall take into account the nature of the violation and the history of the site including previous violations.

K. The hearing officer shall announce his/her decision at the end of the hearing.

- (1) If the hearing officer determines that the person is not liable, he/she shall dismiss the matter and enter his/her determination, in writing, accordingly.
- (2) If the hearing officer determines that the person is liable for the violation, he/she shall then enter and assess the fines and costs against such person as provided by this article.

§ _____ Failure to Pay Fine

If the fines and costs assessed by the hearing officer are not paid on the date of entry, the hearing officer shall send by first class mail a notice of such assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court facility designated by the Chief Court Administrator together with the applicable entry fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve (12) month period, assessments against the same person may be accrued and filed as one record of assessment. The Clerk of the Superior Court shall enter a judgment, in the amount of the assessment plus court costs against such person in favor of the Town of Greenwich. Notwithstanding any other provisions of the Connecticut General Statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil

money judgment, and a levy of execution on such judgment may be issued without further notice to such person.

§ _____ Appeals

A person against whom an assessment has been entered pursuant to this article is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to Section 52-259 of the Connecticut General Statutes, in the Superior Court, which shall then entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

§ _____ Public Notification

Notice of payment of a fine pursuant to this article shall be published by the Director at least once in a newspaper having a general circulation in the Town of Greenwich.

§ _____ Effective date

This ordinance shall become effective fifteen (15) days after notice of adoption of such ordinance is published in the form of a legal advertisement in a newspaper having a substantial circulation in the Town of Greenwich.

§ _____ Sunset Clause

~~_____ This ordinance will be automatically repealed and cease to have effect on December 31, 2009, unless it is reenacted by the Representative Town Meeting.~~

Dean Goss, Chairman of District 1, made a motion on behalf of the district, to amend Item 1 as follows:

Resolved that the Sunset provision be retained in this ordinance exactly as it was in the ordinance due to expire on Dec. 31, 2009 with the exception that a new expiration date of Dec. 31, 2013 be inserted.

The vote was now on the District 1 motion to amend.

In Favor	-	86
Against	-	87
Abstentions	-	1

Motion Failed.

The vote was now on Item No. 1.

In Favor	-	162
Against	-	8

Abstentions - 0

Item Carried

The Moderator announced that Item No. 2 on the call was now before the meeting.

Alan Corry, Director of Parking Services, offered the following resolution, which was duly moved and seconded, regarding Item No 2.

RESOLVED, that the amount of \$18,000.00 additional appropriation for lighting upgrade be approved.

Maria Popp of District 4 made a motion, on behalf of the district, to postpone this item until the January meeting.

Upon a voice vote, the Moderator announced that the motion failed.

James Boutelle of District 8 requested a recorded vote.

In Favor	-	91
Against	-	83
Abstentions	-	3

Motion to postpone carried.

The Moderator announced that Item No. 3 on the call was now before the meeting.

First Selectman Peter Tesei offered the following resolution, which was duly moved and seconded, regarding Item No. 3.

PROPOSED RTM RESOLUTION AMENDING GREENWICH MUNICIPAL CODE ARTICLE 12-6.1. PROPERTY TAX RELIEF FOR SENIORS

NOW THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY THE REPRESENTATIVE TOWN MEETING THAT:

The ordinance entitled Article 12-6.1. PROPERTY TAX RELIEF FOR SENIORS is hereby amended as attached:

Sec. 12-6.1. Property tax relief for seniors.

1. Statutory authority; age qualification. Pursuant to General Statutes § 12-129n property tax relief shall be provided to any resident of the town with respect to real property occupied by such resident as his or her principal residence for which the resident is liable for taxes as owner or as tenant for life or years under General Statutes § 12-48, who meets the qualifying total annual income herein and (1) who is sixty-five (65) years of age or over, (2) whose spouse, living with the resident is sixty-five (65) years of age or over, or (3) who is sixty (60) years of age or over and the surviving spouse of a taxpayer

receiving relief in the town under this section at the time of his or her death. The ages specified in this section shall have been attained by December 31 preceding the application for tax relief under this ordinance.

2. Taxpayer qualification. Residents or spouses qualifying for tax relief under this section must be taxpayers of real property located in the town for one (1) year immediately preceding their receipt of tax benefits under this section and meet the requirements set forth in subsection 11 of this section with respect to the qualifying total annual income allowable for their federal income tax year preceding the year in which application is made for tax relief under this section.

3. Other relief. Prior to the granting of property tax relief, such person must first have applied for tax relief under any other statute for which he or she is eligible and shall certify to the assessor and tax collector the tax credits received thereunder. No property tax relief granted under this section, together with any property tax relief received by any such person under all applicable statutes shall exceed, in the aggregate seventy-five (75) percent of the total amount of the tax which would, except for those applicable statutes and this section, be laid against the person applying for tax relief hereunder.

4. Limit on abatement. The total **credit and deferral** abatement of property tax revenue which may be granted in each tax year by the town pursuant to the provisions of this section shall be set by the Board of Estimate and Taxation at the time it sets the mill rate for such tax year at an amount which is (a) not less than the lesser of (1) \$570,000 or (2) the amount of the tax [credits] **relief** for approved applications and (b) not greater than an amount, equal to one-half of one (½) percent of the total real property tax levied in the town in the current tax year. Such tax relief granted to eligible persons for any fiscal year shall be decreased if necessary to keep the total amount of the town tax relief within such limit by applying such decrease ratably to the [credit] **relief** for the eligible persons with the highest qualifying total annual income **and relief determined** under [S]subsections **6 and 11**[(a)] and then if no [credit] **relief** is left for **persons with** such income **and relief**, by applying the decrease ratably to the [credit] **relief** for **the persons with the** next highest income **and relief** and so on for the others, until the decrease that is required to stay within such limit is met.

5. Principal residence requirement. For purposes of this section the principal residence requirement in subsection 1 shall be met if the resident[s] seeking qualification shall have maintained residence in the property for which tax relief is being sought for at least one hundred eighty-three (183) days during the twelve (12) months immediately prior to the filing of an application hereunder **and does not otherwise qualify as a resident of any other country, state, municipality or territory.**

6. Qualifying total annual income. Qualifying total annual income for tax relief under subsection 11 of this section shall be reviewed and determined by the assessor on the basis of amounts listed in the computation of total income for federal income tax purposes furnished by the taxpayer for the year preceding the filing of an

application for tax relief hereunder of the applying individual, if unmarried, or jointly, if married, regardless of whether or not separate federal income tax returns were filed by such person or his or her spouse and shall be adjusted in accordance with subsections (a) and (b) of this section.

(a) *Included in income.* Qualifying total annual income shall include income from the following sources, whether or not such sources were included in amounts listed for the computation of total income in a federal income tax return, and shall therefore be adjusted and determined by the assessor to the extent such amounts are not included as total income in a federal income tax return:

- (1) Wages, bonuses, commissions, gratuities and fees, self-employment net income;
- (2) Gross Social Security, Federal Supplemental Security Income, payment for jury duty (excluding travel allowance);
- (3) Dividends, interest, and annuities;
- (4) Taxable IRA distributions;
- (5) Black Lung payments;
- (6) Interest or proceeds resulting from gifts received;
- (7) Lottery winnings;
- (8) Net income from sale or rent of real or personal property, provided that, to the extent that there is no net income, qualifying total annual income shall not be decreased by sale and rental net income losses;
- (9) Pensions, including veterans' and railroad retirement;
- (10) Severance pay; Unemployment compensation;
- (11) Worker's compensation;
- (12) Alimony;
- (13) Capital gains, provided that, to the extent there is no capital gain, qualifying total annual income shall not be decreased by capital losses;
- (14) Partnership income, provided that, to the extent there is no net income, qualifying total annual income shall not be decreased by partnership net income losses;

(b) *Excluded from income.* Qualifying total annual income shall exclude income from the following sources, whether or not such sources were included in amounts listed for the computation of total income in a federal income tax return or under subsection (a) above and shall therefore be adjusted and determined by the assessor to the extent that such amounts are included in a federal income tax return or under subsection (a) above:

- (1) Social Security payments specifically for a dependent person or minor child;
- (2) Casualty loss reimbursements by insurance companies;
- (3) Gifts, bequests or inheritances, except for any interest or other income produced by the gift, bequest or inheritance;
- (4) Grants for disaster relief;
- (5) Income derived through volunteer service under the Domestic Volunteer Service Act of 1973, as amended, including stipends earned under the

Foster Grandparents' Program, Retired Senior Volunteer Program, Senior Companion Program, and Community Training under Department of Mental Retardation;

(6) Life insurance proceeds;

(7) For a married homeowner whose spouse is a resident of a health care or nursing home facility and who is receiving payment related to such spouse under Title XIX Medicaid, total income shall not include the spouse's Social Security income, provided that the following has been submitted to the Assessor on the facility's letterhead and signed by the administrator or other nursing home official:

(i) Proof that the spouse is in a health care or nursing home facility,

(ii) The name and address of the facility,

(iii) The period during the benefit year that the spouse was in the facility,

(iv) The period during the benefit year that the spouse was on Title XIX Medicaid;

(8) Food stamps; fuel assistance; child support payments and temporary family assistance program payments.

7. Delinquent taxes. No tax relief shall be given under this section to any person who has delinquent taxes to the town from real property, personal property or motor vehicles, including capital assessments or user charges owed to the town which have not been paid in full or brought current by June 1 preceding the fiscal year for which tax relief shall be granted. For purposes of this section, abated taxes shall not be considered delinquent.

8. Form of application. The form of application for property tax relief under this ordinance shall: (a) be made by affidavit on forms provided by the assessor and accompanied by documentation of all qualifying income, including a copy of the applicant's most recent federal tax return for the taxpayer's fiscal year immediately preceding the town's fiscal year for which tax relief is being requested and[,] (b) state the qualifying information set forth in the preceding sections of this ordinance, whether or not **the** applicant has previously applied or is currently applying for any other tax relief for the elderly or disabled under any state statute. For those persons not required by law to file a federal tax return, an affidavit from such persons shall be required attesting to the fact that they are not required to file a tax return. **In the case of an application for tax deferral as provided under this ordinance the assessor shall take from the applicant, who shall be an individual and not a trust, an agreement in writing, signed, witnessed and acknowledged as required for a conveyance of land, containing the street address and land records volume and page of the deed to the property to the applicant or other legal description, that states the obligation to repay the deferred taxes and expressly grants to the town a security lien therefor on such real estate which agreement shall be recorded in the land records with the lien filed by the tax collector in accordance with subsection 11(b) hereof.**

9. Filing dates. An application for property tax relief under this ordinance, including any required affidavit and documentation, shall be filed by mail or delivered in person to the assessor's office not earlier than February 1, nor later than May 15 to obtain property tax relief for the next fiscal year. For those persons who have sought and received by May 15 an extension of time to file a tax return, the application must nevertheless be filed by May 15 and a copy of the tax return **must be** received by the assessor's office by June 15 or the application will be denied. If the qualifying total annual income for the year following that contained in the application remains less than the limit of the category approved for a resident under subsection 11 then that resident shall not be required to file an application in the next following year but shall only be required to file an application biennially and the assessor may rely on the approved application on file to continue the tax credit accordingly. Otherwise, based on changes for such following year in qualifying total annual income that exceed the limit of the category approved for a resident or for a claim that the resident be allowed a larger [credit] **relief** based on a lower income category under subsection 11, the resident shall notify the assessor of such change and, if still qualifying for property tax relief, shall file again annually, by the dates set forth in this subsection.

10. Assessment limit. The property tax relief available hereunder shall be available for one (1) residence only collectively for each applicant and spouse and shall not be available to any residence with an assessed value in excess of one hundred and fifty (150) percent of the **highest** median assessed value of residences sold during **each of** the prior assessment years, October 1 to September 30, **since the inception of the last town-wide revaluation** as calculated by the assessor.

11. Computation of credit or deferral. [(a)] **The tax relief provided by this section shall be elected by the applicant, subject to subsection 3, as either a credit, as provided in the following subparagraph (a), or a deferral, as provided in the following subparagraph (b), but not both.**

(a) Tax Credit.

(1) The computation of the amount of property tax credit hereunder[, subject to section 3,] for the fiscal year commencing July 1, 2009 shall be determined on the following graduated basis:

<i>Qualifying Total Annual Income</i>	<i>Property Tax Credit</i>
Less than \$24,000	\$1,900
\$24,000-\$36,000	\$1,300
\$36,001-\$50,000	\$1,000
\$50,001 - \$60,000	\$500

[(b)] (2) For fiscal years commencing July 1, 2010 and following, the amount of tax credit shall be adjusted by a percentage change from the prior year as follows:

[(1)] (i) In a fiscal year in which a tax assessment revaluation becomes effective, the percentage change shall be the product of the new mill rate times the new grand list divided by the product of the prior grand list times the prior mill rate, minus one.

Example:

Prior Grand List = \$20 Billion
Prior Mill Rate = 12 mills
New Grand List = \$40 Billion
New Mill Rate = 6.2 mills
Benefit Change = $((6.2 \text{ mills} \times \$40 \text{ Billion}) / (12 \text{ mills} \times \$20 \text{ Billion})) - 1$
= $(\$248 \text{ million} / \$240 \text{ million}) - 1$
= .03333 or 3.333% increase

[(2)] (ii) In a fiscal year in which a tax assessment revaluation does not become effective the percentage change shall be the same as the percentage change in the mill rate from the prior year.

(b) Tax Deferral.

(1) **The amount of tax deferral hereunder for the fiscal year commencing July 1, 2010 and thereafter that persons with a qualifying total annual income of sixty thousand dollars (\$60,000) or less may apply for shall be three thousand dollars (\$3,000).**

(2) **The amount of tax deferred shall be reimbursed to the town on the death of the taxpayer or transfer of the property as provided in subsections 12 and 13 hereunder and shall be subject to the following: (i) the tax deferred shall be subject to an interest charge equal to the nominal rate for the United States Treasury security ten (10) year constant maturity quoted on an investment basis in the Federal Reserve Statistical Release as of each July 1, or the first business day thereafter, plus 200 basis points (2%), (ii) the interest rate will change annually, shall become effective July 1 and remain in effect for the twelve (12) month period through and including June 30 and shall compound annually, (iii) interest shall accrue from the date of deferral to the date of payment and (iv) the cumulative amount of deferred taxes plus interest may be repaid in whole at any time.**

(3) **Once the amount including interest that is cumulatively deferred for any property exceeds fifty (50%) percent of the assessed valuation of that property or the taxpayer's prorated assessed valuation of that property as determined by the assessor under subsections 14 or 15 hereof the taxpayer for that property shall no longer qualify for a tax deferral.**

(4) **Upon the approval of an application for deferral the assessor shall forward notification of the approval together with the agreement specified in subsection 8 hereof to the tax collector who shall file in the land records the agreement together with a tax lien on the property which shall become effective and be continued in the same manner as with other tax liens for the cumulative amount of deferred taxes plus the interest specified herein.**

(c) For fiscal years commencing July 1, [2010]2011 and following the qualifying total annual income shall be adjusted by the percentage increase in the Consumer Price Index affecting the town designated "CPI-W NY-NJ-CT-PA" rounded down to the nearest \$500.

12. **Death of taxpayer.** Upon the death of any person entitled to tax relief pursuant to this section, the tax relief hereunder shall end the following June 30, unless his or her spouse is otherwise qualified hereunder. **Any deferred tax plus interest**

shall be paid by the expiration of 270 days from the date of death and if not paid shall become delinquent from the expiration of such time limit in the same manner as for delinquent taxes.

13. [Conveyance] **Transfer** of property. If any person entitled to [a] tax [credit] **relief** hereunder [sells] **transfers** the property with respect to which the tax relief hereunder has been granted **to someone other than a spouse otherwise qualified hereunder**, the tax relief shall be suspended as of the date of [conveyance] **transfer, the deferred tax plus interest shall thereupon become due and if not paid within thirty (30) days shall become a delinquent tax from the date of transfer.** [and] T[t]he nonqualifying [purchaser] **transferee** of such property **shall be liable for any such unpaid taxes and** shall pay the town a prorated share of taxes **that become** [thereby] due and owing as provided by General Statutes § 12-81a.

14. Proration of relief. The property tax relief provided for in this section may, in any case where title to real property is recorded in the name of the taxpayer or his or her spouse and any other person or persons, be prorated to reflect the fractional portion of such taxpayer or spouse or, if such property is a multiple family dwelling, such relief may be prorated to reflect the fractional portion of such property occupied by the taxpayer.

15. Cooperatives. Persons qualifying in accordance with age and income requirements of this ordinance shall be eligible if they are unit owners and occupiers of a cooperative. The amount of annual property tax relief in accordance with this section to any such person shall be determined in relation to an assumed amount of property tax liability applicable to the assessed value for the dwelling unit which such person owns and occupies as determined by the assessor which may be based on the number of cooperative shares attributable to the unit compared to the total number of shares in the cooperative. For purposes of this section the assessor shall determine the assumed amount of property tax liability applicable to the assessed value for the dwelling unit of each such person who is otherwise eligible under this section, but such determination shall not constitute a tax bill for purposes of property taxation of such cooperative or any individual dwelling unit thereof. Annually not later than the first day of June, the assessor, upon the basis of an application for such relief, shall determine, with respect to the assessment list for the assessment year commencing October first immediately preceding, the portion of the assessed value of the entire cooperative, as included in such assessment list, attributable to the dwelling unit occupied by such person. The assumed property tax liability for purposes of determining the amount of such relief shall be the product of such assessed value and the mill rate in the town as determined for purposes of property tax imposed on said assessment list for the assessment year commencing October first immediately preceding. The amount of relief to which such person shall be entitled for such assessment year shall be equivalent to the amount of tax reduction for which such person would qualify, considering such assumed property tax liability to be the actual property tax applicable to such person's dwelling unit and such person as liable for the payment of such tax.

16. Procedures. The tax collector and assessor shall prescribe with regard to their respective duties under this section, such forms and procedures as may be necessary

to implement this section. The assessor, in addition, shall take such steps as are necessary to satisfactorily establish the facts as to the qualifying income of an applicant for benefits under this section by requesting and reviewing income tax forms filed therewith and any additional evidence of qualifying income, which the assessor may require. This documentation shall not be open to public inspection. The assessor may deny the application of a person who fails to provide information required by the assessor that is necessary to determine eligibility.

17. Effective date. This ordinance, as amended, shall be effective starting with applications accepted February 1, [2009] **2010** for tax relief for the fiscal year commencing July 1, [2009] **2010**.

18. All provisions of this ordinance, as amended, shall cease to be effective on June 30, [2013]**2014** unless an ordinance extending this ordinance is properly submitted to **the Board of Selectmen**, the Board of Estimate and Taxation and the Representative Town Meeting and approved prior to that date.

(RTM, 4/9/2001; RTM, 12/10/2001; RTM 6/13/05; RTM 1/20/09)
Additions **bold**, deletions [brackets]

Douglas Wells, Chairman of the Legislative & Rules Committee, made a motion, on behalf of the committee, to amend the resolution in Section 9 – twelfth line- omit the word “credit” and replace it with the word “relief” to correspond with the wording in the fifteenth line.

The motion was adopted by unanimous consent.

Gerald Isaacson, Chairman of the Health & Human Services Committee, made a motion, on behalf of the committee, to amend the resolution in Section 4, fifth line, replace the \$570,000 with \$1,000,000.

The vote was now on the Health & Human Services Committee motion to amend.

In Favor	-	29
Against	-	147
Abstentions	-	5

Motion Failed

Douglas Wells, Chairman of the Legislative & Rules Committee, made a motion, on behalf of the committee, to amend Item 3 as follows:

At the end of Section 8, add the following wording.

“The Tax Assessor shall provide the applicant for a tax deferral written notice that, if the applicant’s property is mortgaged, entering into this agreement may violate

the mortgage covenants and the applicant should contact his or her mortgage lender.”

The vote was now on the Legislative & Rules Committee amendment.

In Favor	-	168
Against	-	12
Abstentions	-	0

Amendment Carried

Dr. Carl Carlson of District 1 made a motion, which was seconded, to amend Item No. 3 in paragraph 11(b) (2) (i) to reflect an interest rate of 4%.

The vote was now on Dr. Carlson’s motion.

In Favor	-	22
Against	-	163
Abstentions	-	0

Motion Lost

The vote was now on Item No. 3 as amended.

In Favor	-	173
Against	-	2
Abstentions	-	4

Item Carried

The Moderator announced that Item No. 4 on the call was now before the meeting.

Michael Petrucelli, Chairman of the Budget Overview Committee, offered the following sense of the meeting resolution, on behalf of the committee.

RESOLVED,

Whereas the Town of Greenwich faces the same fiscal challenges that our nation, other municipalities, private corporations, and many households face, with falling revenues, reduced subsidies and donations, increasing health care and other fixed costs, losses in the value of retirement accounts and the need to make additional contributions to those accounts,

Whereas state and local municipalities, private corporations, and local organizations like Greenwich Hospital have performed thorough reviews of operations and have implemented meaningful and sustainable cost reductions while maintaining or even increasing the level of services provided through efficiency gains,

Whereas the RTM desires to inform the First Selectman, the BET, and the Board of Education regarding the concerns of citizens about our fiscal condition and the need to reduce annual operating expenses while maintaining the high level of service Town residents expect,

NOW THEREFORE, it is the sense of the Representative Town Meeting that:

- a prudent and appropriate budget for fiscal 2010-2011 include a reduction in operating expenses of 5%,
- a prudent and appropriate budget for the Board of Education should avoid spending growth (without slighting capital to preserve buildings) in fiscal 2010-2011 while maintaining as near as possible the same level of service that is provided now,

- that the savings identified and realized in the reduction of operating expenses be used to rebuild the Town's reserve funds and be put towards capital maintenance projects as a priority over new capital projects, and that delaying or neglecting capital maintenance is not an acceptable operating cost reduction,
- that due to the difficult circumstances affecting the Town's taxpayers, the mill rate increase, previously 3.5% annually, should be reduced, and
- that the projected increase in the Town's debt to record levels represents a burden on our residents, neighbors and taxpayers which is unwise and must be avoided.

Gerald Isaacson, Chairman of the Health & Human Services Committee, made a motion, on behalf of the committee, to amend the resolution as follows:

In the "Now Therefore" section – reword the first bullet section as follows;

- a prudent and appropriate **fiscal** budget for fiscal 2010-2011 (include) **that targets** a reduction in operating expenses (of 5%) **from the budget 2009-2010 where possible**

in the second bullet section change the word "avoid" to minimize and add the word "and" at the end of paragraph.

Delete the fourth bullet section and then the fifth bullet section becomes the fourth section.

The vote was now on the Legislative & Rules Committee motion to amend.

In Favor	-	58
Against	-	110
Abstentions	-	10

Motion Lost

David Roberson of District 12 made a motion, which was seconded, to amend Item No. 3 as follows:

Delete all the “bullet” sections and replace it with
“Now Therefore the Town shall perform a zero based budget review of all department
budgets”.

The vote was now on the Roberson motion.

In Favor	-	36
Against	-	133
Against	-	3

Motion Lost

The vote was now on Item No. 4.

In Favor	-	72
Against	-	98
Abstentions	-	3

Item Lost

There being no further business, the Moderator adjourned the meeting, upon unanimous consent, at 10:40P.M.

ATTEST:
CARMELLA C. BUDKINS
TOWN CLERK

Draft